

110TH CONGRESS  
1ST SESSION

# S. 1072

To require Federal agencies to conduct their environmental, transportation, and energy-related activities in support of their respective missions in an environmentally, economically, and fiscally sound manner, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 29, 2007

Mr. STEVENS introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To require Federal agencies to conduct their environmental, transportation, and energy-related activities in support of their respective missions in an environmentally, economically, and fiscally sound manner, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Federal Agency Environmental Responsibility Act”.

6       (b) TABLE OF CONTENTS.—The table of contents for  
7       this Act is as follows:

Sec. 1. short title; table of contents.

#### TITLE I—FEDERAL AGENCY ENVIRONMENTAL RESPONSIBILITY

Sec. 101. Declaration of policy.

Sec. 102. Agency goals.

Sec. 103. Duties of heads of agencies.

Sec. 104. Additional duties of the chairman of the Council on Environmental Quality.

Sec. 105. Duties of the Director of the Office of Management and Budget.

Sec. 106. Duties of the Federal Environmental Executive.

Sec. 107. Limitations.

Sec. 108. Exemption authority.

Sec. 109. General provisions.

Sec. 110. Energy efficient standby power devices.

Sec. 111. Public utility contracting authority.

Sec. 112. Project costs for energy innovations.

Sec. 113. Definitions.

#### TITLE II—ENERGY EFFICIENT LIGHTING

Sec. 201. Statement of purpose.

Sec. 202. Replacement of low energy efficient bulbs.

Sec. 203. Disposal plan.

Sec. 204. Progress report.

Sec. 205. Working with industry.

Sec. 206. Definitions.

## 1 **TITLE I—FEDERAL AGENCY EN-** 2 **VIROMENTAL RESPONS-** 3 **BILITY**

### 4 **SEC. 101. DECLARATION OF POLICY.**

5       The Congress finds and declares that it is the policy  
6 of the United States that Federal agencies conduct their  
7 environmental, transportation, and energy-related activi-  
8 ties under the law in support of their respective missions  
9 in an environmentally, economically and fiscally sound, in-  
10 tegrated, continuously improving, efficient, and sustain-  
11 able manner.

### 12 **SEC. 102. AGENCY GOALS.**

13       The head of each agency shall—

(1) improve energy efficiency and reduce greenhouse gas emissions of the agency, through reduction of energy intensity by—

(A) 3 percent annually through the end of fiscal year 2014; or

(B) 30 percent by the end of fiscal year 2014, relative to the baseline of the agency's energy use in fiscal year 2003;

(2) ensure that—

(A) at least half of the statutorily required renewable energy consumed by the agency in a fiscal year comes from new renewable sources; and

(B) to the extent feasible, the agency implements renewable energy generation projects on agency property for agency use;

(3) beginning in fiscal year 2008, reduce water consumption intensity, relative to the baseline of the agency's water consumption in fiscal year 2007 and including both indoor and outdoor consumption, through life-cycle cost-effective measures by 2 percent annually through the end of fiscal year 2014 or 16 percent by the end of fiscal year 2014;

(4) require in agency acquisitions of goods and services—

1 (A) the use of sustainable environmental  
2 practices, including acquisition of biobased, en-  
3 vironmentally preferable, energy-efficient,  
4 water-efficient, and recycled-content products;  
5 and

6 (B) the use of paper that has at least 30  
7 percent post-consumer fiber content;

8 (5) ensure that the agency—

9 (A) reduces the quantity of toxic and haz-  
10 ardous chemicals and materials acquired, used,  
11 or disposed of by the agency;

12 (B) increases diversion of solid waste as  
13 appropriate; and

14 (C) maintains cost-effective waste preven-  
15 tion and recycling programs in its facilities;

16 (6) ensure that if the agency operates a fleet of  
17 at least 20 motor vehicles, the agency, relative to  
18 agency baselines for fiscal year 2005—

19 (A) reduces the fleet's total consumption of  
20 petroleum products by 2 percent annually  
21 through the end of fiscal year 2014;

22 (B) increases the total fuel consumption  
23 that is non-petroleum-based by 10 percent an-  
24 nually; and

(C) uses plug-in hybrid vehicles when such vehicles are commercially available at a cost reasonably comparable, on the basis of life-cycle cost, to other vehicles; and

(8) ensure that the agency—

(A) when acquiring an electronic product to meet its requirements, meets at least 95 percent of those requirements with an electronic product that is registered for the Electronic Product Environmental Assessment Tool, unless there is no Electronic Product Environmental Assessment Tool standard for such product;

(B) enables the Energy Star feature on agency computers and monitors;

(C) establishes and implements policies to extend the useful life of agency electronic equipment; and

(D) uses environmentally sound practices with respect to disposition of agency electronic equipment that has reached the end of its useful life.

**SEC. 103. DUTIES OF HEADS OF AGENCIES.**

The head of each agency shall—

1           (1) implement sustainable practices within the  
2       agency for—

3                   (A) energy efficiency, greenhouse gas emis-  
4       sions avoidance or reduction, and petroleum  
5       products use reduction;

6                   (B) renewable energy, including bioenergy;

7                   (C) water conservation;

8                   (D) acquisition;

9                   (E) pollution and waste prevention and re-  
10      cycling;

11                  (F) reduction or elimination of acquisition  
12      and use of toxic or hazardous chemicals;

13                  (G) high performance construction, lease,  
14      operation, and maintenance of buildings;

15                  (H) vehicle fleet management; and

16                  (I) electronic equipment management;

17           (2) implement within the agency environmental  
18      management systems at all appropriate organiza-  
19      tional levels to ensure—

20                   (A) the use of environmental management  
21      systems as the primary management approach  
22      for addressing environmental aspects of internal  
23      agency operations and activities, including envi-  
24      ronmental aspects of energy and transportation  
25      functions;

1 (B) establishment of agency objectives and  
2 targets to ensure implementation of this title;  
3 and

4 (C) collection, analysis, and reporting of  
5 information to measure performance in the im-  
6 plementation of this title;

7 (3) establish within the agency programs for—

8 (A) environmental management training;

9 (B) environmental compliance review and  
10 audit; and

11 (C) leadership awards to recognize out-  
12 standing environmental, energy, or transpor-  
13 tation management performance in the agency;

14 (4) within 30 days after the date of enactment  
15 of this Act—

16 (A) designate a senior civilian officer of the  
17 United States, compensated annually in an  
18 amount at or above the amount payable at level  
19 IV of the Executive Schedule, to be responsible  
20 for implementation of this title within the agen-  
21 cy;

22 (B) report such designation to the Director  
23 of the Office of Management and Budget and  
24 the Chairman of the Council on Environmental  
25 Quality; and

1 (C) assign the designated official the au-  
2 thority and duty—

3 (i) to monitor and report to the head  
4 of the agency on agency activities to carry  
5 out paragraphs (1) and (2) of this sub-  
6 section; and

7 (ii) to perform such other duties relat-  
8 ing to the implementation of this title  
9 within the agency as the head of the agen-  
10 cy deems appropriate;

11 (5) ensure that contracts entered into after the  
12 date of enactment of this Act for contractor oper-  
13 ation of government-owned facilities or vehicles re-  
14 quire the contractor to comply with the provisions of  
15 this title with respect to such facilities or vehicles to  
16 the same extent as the agency would be required to  
17 comply if the agency operated the facilities or vehi-  
18 cles;

19 (6) ensure that agreements, permits, leases, li-  
20 censes, or other legally-binding obligations between  
21 the agency and a tenant or concessionaire entered  
22 into after the date of enactment of this Act, to the  
23 extent the head of the agency determines appro-  
24 priate, that the tenant or concessionaire take actions  
25 relating to matters within the scope of the contract



1 that facilitate the agency's compliance with the re-  
2 quirements of this section;

3 (7) provide reports on agency implementation of  
4 this title to the Chairman of the Council on such  
5 schedule and in such format as the Chairman of the  
6 Council may require; and

7 (8) provide information and assistance to the  
8 Director of the Office of Management and Budget,  
9 the Chairman of the Council, and the Federal Envi-  
10 ronmental Executive.

11 **SEC. 104. ADDITIONAL DUTIES OF THE CHAIRMAN OF THE**  
12 **COUNCIL ON ENVIRONMENTAL QUALITY.**

13 The Chairman of the Council on Environmental  
14 Quality—

15 (1)(A) shall establish a Steering Committee on  
16 Strengthening Federal Environmental, Energy, and  
17 Transportation Management to advise the Director  
18 of the Office of Management and Budget and the  
19 Chairman of the Council on the performance of their  
20 functions under this title that shall consist exclu-  
21 sively of—

22 (i) the Federal Environmental Executive,  
23 who shall chair, convene, and preside at meet-  
24 ings of, determine the agenda of, and direct the  
25 work of, the Steering Committee; and

1 (ii) the senior officials designated under  
2 section 103(4)(A); and

3 (B) may establish subcommittees of the Steer-  
4 ing Committee, to assist it in developing its advice  
5 on particular subjects;

6 (2) may, after consultation with the Director of  
7 the Office of Management and Budget and the  
8 Steering Committee, issue instructions to implement  
9 this title, other than instructions within the author-  
10 ity of the Director to issue under section 105; and

11 (3) shall administer a presidential leadership  
12 award program to recognize exceptional and out-  
13 standing environmental, energy, or transportation  
14 management performance and excellence in agency  
15 efforts to implement this title.

16 **SEC. 105. DUTIES OF THE DIRECTOR OF THE OFFICE OF**  
17 **MANAGEMENT AND BUDGET.**

18 In implementing the policy of this title, the Director  
19 of the Office of Management and Budget shall, after con-  
20 sultation with the Chairman of the Council and the Steer-  
21 ing Committee, issue instructions to the heads of agencies  
22 concerning—

23 (1) the periodic evaluation of agency implemen-  
24 tation of this title;

1           (2) budget and appropriations matters relating  
2           to implementation of this title;

3           (3) implementation of section 102(4) of this  
4           title; and

5           (4) amendments of the Federal Acquisition  
6           Regulation necessary to implement this title.

7   **SEC. 106. DUTIES OF THE FEDERAL ENVIRONMENTAL EX-**  
8                           **ECUTIVE.**

9           (a) ESTABLISHMENT OF OFFICE.—There is estab-  
10          lished within the Environmental Protection Agency a Fed-  
11          eral Environmental Office. The Office shall be headed by  
12          the Federal Environmental Executive, who shall be ap-  
13          pointed by the President.

14          (b) DUTIES.—The Federal Environmental Executive  
15          shall—

16               (1) monitor, and advise the Chairman of the  
17               Council on, performance by agencies with the re-  
18               quirements of sections 102 and 103 of this title;

19               (2) submit a report to the President, through  
20               the Chairman of the Council, not less often than  
21               once every 2 years, on the activities of agencies to  
22               comply with the requirements of this title; and

23               (3) advise the Chairman of the Council on the  
24               Chairman's exercise of the authority provided by  
25               section 104(3) of this title.

1 **SEC. 107. LIMITATIONS.**

2 (a) UNITED STATES OPERATIONS.—Except as pro-  
3 vided in subsection (b), this title shall apply to an agency  
4 only with respect to the activities, personnel, resources,  
5 and facilities of the agency that are located within the  
6 United States.

7 (b) FOREIGN OPERATIONS.—

8 (1) IN GENERAL.—The head of an agency may  
9 provide that this title shall apply in whole or in part  
10 with respect to the activities, personnel, resources,  
11 and facilities of the agency that are not located with-  
12 in the United States, if the head of the agency de-  
13 termines that such application is in the interest of  
14 the United States.

15 (2) OTHER FOREIGN OPERATIONS.—The head  
16 of an agency shall manage activities, personnel, re-  
17 sources, and facilities of the agency that are not lo-  
18 cated within the United States, and with respect to  
19 which the head of the agency has not made a deter-  
20 mination under subsection (a) of this section, in a  
21 manner consistent with the policy of this title to the  
22 extent the head of the agency determines prac-  
23 ticable.

24 **SEC. 108. EXEMPTION AUTHORITY.**

25 (a) INTELLIGENCE ACTIVITIES.—The Director of  
26 National Intelligence may exempt an intelligence activity

1 of the United States, and related personnel, resources, and  
2 facilities, from the provisions of this title to the extent the  
3 Director determines necessary to protect intelligence  
4 sources and methods from unauthorized disclosure.

5 (b) LAW ENFORCEMENT ACTIVITIES.—The head of  
6 an agency may exempt law enforcement activities of that  
7 agency, and related personnel, resources, and facilities,  
8 from the provisions of this title to the extent the head of  
9 an agency determines necessary to protect undercover op-  
10 erations from unauthorized disclosure.

11 (c) SPECIAL PURPOSE VEHICLES.—The head of an  
12 agency may exempt law enforcement, protective, emer-  
13 gency response, or military tactical vehicle fleets of that  
14 agency from the provisions of this title. Notwithstanding  
15 any such exemption, the head of an agency shall manage  
16 fleets of such vehicles in a manner consistent with the pol-  
17 icy of this title to the extent practicable.

18 (d) ACTIVITIES.—The head of an agency may submit  
19 to the President, through the Chairman of the Council,  
20 a request for an exemption of an agency activity and re-  
21 lated personnel, resources, and facilities from this title.

22 **SEC. 109. GENERAL PROVISIONS.**

23 (a) IN GENERAL.—This title shall be implemented in  
24 a manner consistent with applicable law and subject to  
25 the availability of appropriations.

1 (b) OMB FUNCTIONS.—Nothing in this title shall be  
 2 construed to impair or otherwise affect the functions of  
 3 the Director of the Office of Management and Budget re-  
 4 lating to budget, administrative, or legislative proposals.

5 (c) NO RIGHT OF RECOURSE.—This title is intended  
 6 only to improve the internal management of the Federal  
 7 Government and is not intended to, and does not, create  
 8 any right or benefit, substantive or procedural, enforceable  
 9 at law or in equity by a party against the United States,  
 10 its departments, agencies, instrumentalities, entities, offi-  
 11 cers, employees or agents, or any other person.

12 **SEC. 110. ENERGY EFFICIENT STANDBY POWER DEVICES.**

13 (a) IN GENERAL.—Whenever a Federal agency pur-  
 14 chases a commercially available, off-the-shelf product that  
 15 uses an external standby power device, or that contains  
 16 an internal standby power function, it shall purchase—

17 (1) products that use no more than 1 Watt in  
 18 their standby power mode; or

19 (2) when such a product is not available, prod-  
 20 ucts with the lowest standby power wattage while in  
 21 their standby power mode.

22 (b) LIMITATION.—Subsection (a) applies only if com-  
 23 pliance with its requirements is practicable and life-cycle  
 24 cost-effective, and a product's utility and performance is

1 not be compromised by compliance with those require-  
 2 ments.

3 (c) GUIDELINES.—The Secretary of Energy, in con-  
 4 sultation with the Secretary of Defense and the Adminis-  
 5 trator of the General Services Administration shall com-  
 6 pile and maintain a list of products subject to subsection  
 7 (a) and a list of products that meet the requirements of  
 8 that subsection.

9 **SEC. 111. PUBLIC UTILITY CONTRACTING AUTHORITY.**

10 Section 501(b)(1)(B) of title 40, United States Code,  
 11 is amended to read as follows:

12 “(B) PUBLIC UTILITY CONTRACTS.—

13 “(i) IN GENERAL.—A contract for  
 14 public utility services may be made for a  
 15 period of not more than 10 years.

16 “(ii) RENEWABLE ENERGY CON-  
 17 TRACTS.—A contract for renewable energy  
 18 may be made for a period of not more than  
 19 20 years.

20 “(iii) DEFINITIONS.—In this subpara-  
 21 graph:

22 “(I) PUBLIC UTILITY SERV-  
 23 ICES.—The term ‘public utility serv-  
 24 ices’ means generation, transmission,

distribution, or other services directly  
used in providing electric energy.

“(II) RENEWABLE ENERGY.—

The term ‘renewable energy’ means  
electric energy generated from solar,  
wind, biomass, landfill gas, ocean (in-  
cluding tidal, wave, current, and ther-  
mal), geothermal, municipal solid  
waste, or new hydroelectric generation  
capacity achieved from increased effi-  
ciency, or additional new capacity an  
existing hydroelectric project.”.

**SEC. 112. PROJECT COSTS FOR ENERGY INNOVATIONS.**

Section 3307(c) of title 40, United States Code, is  
amended by striking “cost.” and inserting “cost, unless  
the increase is for the addition of energy-efficient tech-  
nologies that were not included in the design of the build-  
ing on the date the prospectus was transmitted to Con-  
gress and the amount of the increase is projected to be  
recoverable during the first 10 years of the operation (or  
operational phase) of the building.”.

**SEC. 113. DEFINITIONS.**

In this title:

(1) AGENCY.—The term “agency” means an  
executive agency as defined in section 105 of title 5,



1 United States Code, excluding the Government Ac-  
2 countability Office.

3 (2) CHAIRMAN OF THE COUNCIL.—The term  
4 “Chairman of the Council” means the Chairman of  
5 the Council on Environmental Quality, including in  
6 the Chairman’s capacity as Director of the Office of  
7 Environmental Quality.

8 (3) COUNCIL.—The term “Council” means the  
9 Council on Environmental Quality.

10 (4) ENVIRONMENTAL.—The term “environ-  
11 mental” means environmental aspects of internal  
12 agency operations and activities, including those en-  
13 vironmental aspects related to energy and transpor-  
14 tation functions.

15 (5) GREENHOUSE GAS.—The term “greenhouse  
16 gas” means carbon dioxide, methane, nitrous oxide,  
17 hydrofluorocarbons, perfluorocarbons, and sulfur  
18 hexafluoride.

19 (6) LIFE-CYCLE COST-EFFECTIVE.—The term  
20 “life-cycle cost-effective” means the life-cycle costs  
21 of a product, project, or measure are estimated to be  
22 equal to or less than the base case (i.e., current or  
23 standard practice or product).

24 (7) NEW RENEWABLE SOURCES.—The term  
25 “new renewable sources” means sources of renew-

1       able energy placed into service after January 1,  
2       1999.

3               (8) RENEWABLE ENERGY.—The term “renew-  
4       able energy” means energy produced by solar, wind,  
5       biomass, landfill gas, ocean (including tidal, wave,  
6       current and thermal), geothermal, municipal solid  
7       waste, or new hydroelectric generation capacity  
8       achieved from increased efficiency or additions of  
9       new capacity at an existing hydroelectric project.

10              (9) ENERGY INTENSITY.—The term “energy in-  
11       tensity” means energy consumption per square foot  
12       of building space, including industrial or laboratory  
13       facilities.

14              (10) STEERING COMMITTEE.—The term “Steer-  
15       ing Committee” means the Steering Committee on  
16       Strengthening Federal Environmental, Energy, and  
17       Transportation Management established under sec-  
18       tion 104(1) of this title.

19              (11) SUSTAINABLE.—The term “sustainable”  
20       means to create and maintain conditions, under  
21       which humans and nature can exist in productive  
22       harmony, that permit fulfilling the social, economic,  
23       and other requirements of present and future gen-  
24       erations of Americans.

1           (12) UNITED STATES.—The term “United  
 2       States” when used in a geographical sense, means  
 3       the fifty states, the District of Columbia, the Com-  
 4       monwealth of Puerto Rico, Guam, American Samoa,  
 5       the United States Virgin Islands, and the Northern  
 6       Mariana Islands, and associated territorial waters  
 7       and airspace.

8           (13) WATER CONSUMPTION INTENSITY.—The  
 9       term “water consumption intensity” means water  
 10      consumption per square foot of building space, in-  
 11      cluding industrial or laboratory facilities.

## 12       **TITLE II—ENERGY EFFICIENT** 13                               **LIGHTING**

### 14   **SEC. 201. STATEMENT OF PURPOSE.**

15       It is the purpose of this title to improve the energy  
 16      efficiency of, and reduce the greenhouse gas emissions  
 17      from, Federal buildings as a result of the increased use  
 18      of energy efficient light bulbs.

### 19   **SEC. 202. REPLACEMENT OF LOW ENERGY EFFICIENT** 20                               **BULBS.**

21       (a) IN GENERAL.—Beginning not later than 6  
 22      months after the date of enactment of this Act, the Ad-  
 23      ministrators shall implement a program to use energy-effi-  
 24      cient light bulbs in Federal buildings to replace low energy  
 25      efficient light bulbs as they burn out.

1 (b) COMPLETE CHANGE-OVER.—Within 5 years after  
2 the date of enactment of this Act, the Administrator shall  
3 ensure that—

4 (1) all low energy efficient light bulbs in Fed-  
5 eral buildings have been replaced by energy-efficient  
6 light bulbs;

7 (2) all low energy efficient light bulbs in traffic  
8 signals on Federal property have been replaced by  
9 energy-efficient light bulbs;

10 (3) all low energy efficient light bulbs in exte-  
11 rior lights on Federal property have been replaced  
12 by energy-efficient light bulbs;

13 (4) all exit signs on Federal property that have  
14 low energy efficient light bulbs have been replaced  
15 by energy-efficient light bulbs; and

16 (5) only energy-efficient light bulbs may be  
17 used in Federal buildings.

18 (c) EXCEPTIONS.—The Administrator may authorize  
19 exceptions to the requirements of subsections (a) and (b)  
20 for good cause shown. The Administrator shall include a  
21 description of any exceptions authorized by the Adminis-  
22 trator in the report required by section 204(a).

1 **SEC. 203. DISPOSAL PLAN.**

2 Within 6 months after the date of enactment of this  
3 Act, the Administrator, in consultation with the Adminis-  
4 trator of the Environmental Protection Agency, shall—

5 (1) develop a plan for the disposal of used light  
6 bulbs, including energy-efficient light bulbs that may  
7 contain mercury, that have been used by the Federal  
8 government, taking into consideration the disposition  
9 of bulbs with useful life remaining; and

10 (2) shall submit the plan to the Senate Com-  
11 mittee on Commerce, Science, and Transportation  
12 and the House of Representatives Committee on En-  
13 ergy and Commerce.

14 **SEC. 204. PROGRESS REPORT.**

15 (a) IN GENERAL.—The Administrator shall report  
16 annually on progress in implementing this title. The report  
17 shall include information on energy savings, cost savings,  
18 greenhouse gas emissions avoided, and plans for the up-  
19 coming fiscal year. The President shall include the most  
20 recent report in the Budget of the United States.

21 (b) PUBLIC OUTREACH.—The Administrator shall  
22 ensure that lessons learned from implementing this title  
23 are made available to the public in order to educate the  
24 public about the benefits of using energy-efficient light  
25 bulbs.

1 **SEC. 205. WORKING WITH INDUSTRY.**

2 (a) IN GENERAL.—The Administrator, the Secretary  
3 of Energy, and the Director of the National Institute of  
4 Standards and Technology shall work with industry to de-  
5 velop new consensus national standards for energy-effi-  
6 cient light bulb disposal based upon the General Services  
7 Administration’s experience in implementing this title and  
8 other successful Federal programs utilizing energy effi-  
9 cient light bulbs.

10 (b) LABELING STANDARDS FOR HAZARDOUS EN-  
11 ERGY-EFFICIENT LIGHT BULBS.—The Administrator, the  
12 Secretary of Energy, and the Director of the National In-  
13 stitute of Standards and Technology shall work with man-  
14 ufacturers and importers of energy-efficient light bulbs to  
15 develop consensus national standards for labeling energy-  
16 efficient light bulbs containing mercury or other toxic sub-  
17 stances.

18 **SEC. 206. DEFINITIONS.**

19 In this title:

20 (1) ADMINISTRATOR.—The term “Adminis-  
21 trator” means the Administrator of the General  
22 Services Administration.

23 (2) ENERGY EFFICIENT LIGHT BULB.—The  
24 term “energy efficient light bulb” means—

25 (A) for calendar years ending after the  
26 date of enactment of this Act and before Janu-

1           ary 1, 2018, a light bulb with a lumens-per-  
2           Watt rating of not less than 30; and

3           (B) for calendar years ending after 2017,  
4           a light bulb with a lumens-per-Watt rating of  
5           not less than 45.

6           (3) FEDERAL BUILDING.—The term “Federal  
7           building” means a public building (as defined in sec-  
8           tion 3301(5) of title 40, United States Code).

9           (4) LOW ENERGY EFFICIENT LIGHT BULB.—  
10          The term “low energy efficient light bulb” means a  
11          light bulb with a lumens-per-Watt rating of less than  
12          30.

○